**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929**

**WP(C).No. 32108 of 2007(V)**
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**PETITIONER:**
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**K.C. RAJU,**
**THUSHARA, VRA-103, VAZHOTTUKONAM, VATTIYOORKAVU PO**
**THIRUVANANTHAPURAM DISTRICT. (ATO, RETIRED ON**
**31-12-2006 FROM PEROORKADA DEPOT).**

**BY ADV. SRI.R.GOPALAKRISHNAN (SREEVALSAM)**

**RESPONDENTS:**
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**KSRTC, REPRESENTED BY THE**
**MANAGING DIRECTOR, KSRTC, THIRUVANANTHAPURAM,**
**PIN-695023.**

**BY ADV.SRI.JOHNSON.P.JOHN, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.M.JOSEPH, J.**

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**W.P.(c).No.32108 OF 2007**

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Dated this the 30th day of October , 2007

**JUDGMENT**

Petitioner retired as Assistant Transport Officer on 31/12/2006 from the respondent Corporation. Petitioner seeks payment of pensionay benefits overlooking seniority. The ground raised is his financial need in connection with the medical treatment of the petitioner's wife. Petitioner has produced Exs.P2 to P4 in support of his claim. In Ext.P4, issued by the Asst. Professor of Orthopedics, Department of Orthopedics, Medical College, Thiruvananthapuram it is stated that petitioner's wife is suffering florid Rheumatoid Arthritis with disabling knee pain and deformity. It is also stated that she had a reasonable trial of conservative treatment and now the pain has aggravated and advised total knee replacement of both the knees. The approximate cost of the surgery for each knee is approximately Rs. 75,000/-. and the total amount expected is roughly about one lakh fifty thousand rupees for both the knees.

I heard learned counsel for the respondent Corporation also. I feel that some relaxation can be given to the petitioner. The

writ petition is disposed of directing the respondent to pay to the petitioner an amount of Rs. 80,000/- ( Rupees Eighty Thousand) from the benefits due to the petitioner within a period of one month from the date of receipt of a copy of this judgment. The direction to release the amount as aforesaid need be complied with only after retaining such amount as is necessary to clear any liability due from the petitioner on the strength of any agreement executed by him or due from him to the Corporation.

**(K.M.JOSEPH, JUDGE)**

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